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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

10 SAMUEL L. GENSAW III, et al.,

11 Plaintiffs,

12 v.

13 DEL NORTE COUNTY UNIFIED
14 SCHOOL DISTRICT, et al.,

15 Defendants.

Civil Case No.: C 07 3009 THE

**STIPULATION AND ORDER OF
DISMISSAL**

Honorable Thelton E. Henderson

16 Plaintiffs SAMUEL L. GENSAW III, a minor, by and through MARGARET L.
17 GENSAW, his mother/legal guardian; LENA-BELLE GENSAW, a minor, by and through
18 MARGARET L. GENSAW, her mother/legal guardian; JON-LUKE GENSAW, a minor, by and
19 through MARGARET L. GENSAW, his mother/legal guardian; PETER R. GENSAW, a minor, by
20 and through MARGARET L. GENSAW, his mother/legal guardian; WILLIAM ULMER-
21 GENSAW, a minor, by and through CURTIS F. GENSAW, his father/legal guardian; ANGELICA
22 ULMER, a minor, by and through CURTIS F. GENSAW, her legal guardian; CHARLES ULMER-
23 GENSAW, a minor, by and through CURTIS FM GENSAW, his father/legal guardian; and
24 TERESITA ULMER-GENSAW, a minor, by and through CURTIS F. GENSAW, her father/legal
25 guardian (collectively, "Plaintiffs"), on the one hand, and DEL NORTE COUNTY UNIFIED
26 SCHOOL DISTRICT; ROBERT BERKOWITZ, in his official capacity as a member of the Del
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1 Norte County Unified School District Board; THOMAS COCHRAN, in his official capacity as a
2 member of the Del Norte County Unified School District Board; FAITH CRIST, in her official
3 capacity as a member of the Del Norte County Unified School District Board; WILLIAM
4 MAFFETT, in his official capacity as a member of the Del Norte County Unified School District
5 Board; JAN MOOREHOUSE, in her official capacity as Superintendent of the Del Norte County
6 Unified School District; and WILLIAM PARKER, in his official capacity as a member of the Del
7 Norte County Unified School District Board (collectively, "Defendants"), on the other (Plaintiffs
8 and Defendants together are the "Parties"), hereby stipulate as follows:
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10 1. Plaintiffs filed this action against Defendants seeking a declaratory judgment that
11 Defendants' decision to close the middle school grades at Margaret Keating, and their reassigning
12 the students displaced by that decision to Crescent Elk, violated rights guaranteed to those students
13 by 42 U.S.C. § 1983, the Equal Protection Clause of the Fourteenth Amendment to the United
14 States Constitution, and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and a
15 preliminary and permanent injunction ordering Defendants to re-open grades six through eight at
16 Margaret Keating, with supporting activities designed to teach and foster Native American
17 languages, history and culture.
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19 2. Having reached a settlement agreement with Defendants, Plaintiffs hereby
20 dismiss their complaint, with prejudice.
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3. Each party shall bear his, her or its own attorneys' fees and costs.

DATED: March 26, 2010

COVINGTON & BURLING LLP

By

Donald W. Brown

Attorneys for Plaintiffs

DATED: March 26, 2010

MITCHELL, BRISSO, DELANEY & VRIEZE

By

John M. Vrieze

Attorneys for Defendants

IT IS SO ORDERED

DATED: 03/29/10

THE HONORABLE THELTON E. HENDERSON
UNITED STATES DISTRICT COURT JUDGE

